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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/709,978

06/10/2004

Lydia Breck

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3977

66569 7590 01/23/2008

FITZPATRICK CELLA (AMEX)  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

NEWTON, JARED W

ART UNIT

PAPER NUMBER

3693

MAIL DATE

DELIVERY MODE

01/23/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/709,978	<b>Applicant(s)</b> BRECK ET AL.	
	<b>Examiner</b> JARED W. NEWTON	<b>Art Unit</b> 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 31, 2007 has been entered.

Claims 1 and 2 are pending.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,826,241 to Stein et al. (hereafter Stein).

In regard to claim 1, Stein discloses a method and payment system for facilitating secure financial transactions between two users (i.e. a merchant and customer) over the internet, wherein a customer's financial and credit information are isolated from a front end portion of the payment system (see abstract), and wherein said method includes a dispute handling method for handling a disputed transaction involving a secondary transaction number 102, the method comprising the steps of:

receiving a dispute from a first party (see col. 11, line 54 – col. 12, line 7) relating to a transaction involving a secondary transaction number 102 associated with a primary account, wherein the primary account includes a primary account number (see col. 5, lines 9-67 – Stein discloses “a cardholder account 100 includes at least the following information: a cardnumber 102 ... [L]ocated on the storage device 58 associated with the front end computer 50 is that portion of the subscriber account information 106 that includes the subscriber account number [102] ... However, the front end computer 50 does not contain any of the pay-in 108 or pay-out 110 information, such as credit card information, etc., associated with any of the subscribers. Credit card or other payment information is located only in the data file 114 on the storage device 72 of back end computer 52”), and wherein the secondary transaction number 102 is configured to facilitate a plurality of transactions (see e.g. col. 7, lines 32-58).

Stein further discloses said method retrieving transaction information from a database, for instance the front end storage device 58, which is accessed by front end computer program 90, or the back end storage device 72, which is accessed by back end computer program 92 (see col. 5, lines 40-54); and

replacing the primary account number with the secondary transaction number in order to initiate a second party inquiry (e.g. a “chargeback-notification message” from front end program 90) which that references only the secondary transaction number (see col. 11, line 54 – col. 12, line 7).

To summarize, the method for any transaction disclosed by Stein includes storing a customer's credit card account information in the back end storage device 72. This

account information is assigned a "cardnumber 102," which represents but does not disclose the credit card account information to the front end system, or to a seller (see col. 5, lines 9-13 and 40-67). The chargeback process is associated with a payin notification message that includes cardnumber 102 (see col. 11, lines 54-67).

Throughout the chargeback process, the front end system and the seller reference only the cardnumber 102-B of the customer, not the customer's credit card account information.

In regard to claim 2, Stein further discloses:

determining if a valid approval code ("willingness indication") is associated with the secondary transaction number (see col. 8, lines 10-17); and

charging back to the second party an amount of the disputed transaction, if a valid approval code is not associated with the secondary transaction number (see col. 8, lines 57-67).

### ***Response to Arguments***

In view of the Arguments filed October 31, 2007, the Claim Rejections under 35 U.S.C. 112 set forth in the Office Action mailed August 17, 2007 are hereby withdrawn.

Applicant's arguments with respect to claims 1 and 2 have been considered but are moot in view of the new ground(s) of rejection. The rejections based on the Stein reference, set forth in the Final Rejection mailed August 17, 2007, are hereby vacated. New grounds of rejection based on the Stein reference have been set forth in this Office

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Action, and Applicant's remarks filed October 31, 2007 are not relevant to the new grounds of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JARED W. NEWTON whose telephone number is (571)272-2952. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


JWN

January 12, 2008

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/James A. Kramer/  
Supervisory Patent Examiner, Art Unit 3693

<div>Application Number</div> <div></div>	Application/Control No.	Applicant(s)/Patent under Reexamination	
	10/709,978	BRECK ET AL.	
	Examiner	Art Unit	
	JARED W. NEWTON	3693	